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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,984	02/15/2007	Johan Eker	P18656-US2	1283

27045 7590 12/08/2008

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER	
WITZENBURG, BRUCE A	
ART UNIT	**PAPER NUMBER**
2166	

MAIL DATE	DELIVERY MODE
12/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,984	EKER ET AL.	
	Examiner	Art Unit	
	BRUCE A. WITZENBURG	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In view of applicant's amendments filed September 3rd 2008, claims 22-41 remain pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrat et al. (US 2005/0055382) hereafter Ferrat.

Regarding claim 22, Ferrat discloses A method of differentially updating stored data in a mobile terminal from a first data version to an updated data version, the method comprising the steps of:

loading differential update instructions into the mobile terminal; (Abs; ¶0007)

generating the updated data version by the mobile terminal from the stored data and the loaded differential update instructions; (¶0013; ¶0027; ¶0032)

and detecting whether the stored data in the mobile terminal includes one or more corrupted memory blocks having stored therein data that is inconsistent with the first data version; (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

and repairing, when generating the updated data version, any such detected corrupted memory block. (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

Regarding claim 23 Ferrat discloses generating the differential update instructions based on information about detected corrupted memory blocks, if any. (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

Regarding claim 24, claim 24 is rejected for substantially the same reason as claim 23 above.

Regarding claim 25, claim 25 is rejected for substantially the same reason as claim 24 above.

Regarding claim 26, claim 26 is rejected for substantially the same reason as claim 23 above. Note that Ferrat discloses “provid[ing] the necessary interface for resolving errors and conflicts between synchronized data. It is therefor apparent that selection of error correction is up to the user and therefore error correction is excludable.

Regarding claim 27, claim 27 is rejected for substantially the same reason as claim 22 above. Note that ¶0007 specifically discusses remote processing devices.

Regarding claim 30, claim 30 is rejected for substantially the same reason as claim 22 above. Note that Unisync detects and resolves errors and conflicts and is resident to both the central database and the remote terminals. Therefore conflict resolution is able to be processed at both the mobile terminal and the central database.

Regarding claim 31, claim 31 is rejected for substantially the same reason as claim 22 above.

Regarding claim 37, Ferrat discloses a mobile terminal comprising: a data memory for storing data; (Fig 6, 104; ¶0007)
communications means adapted to receive from a data processing system differential

update instructions for updating data stored in the data memory from a first data version to an updated data version; (Abs; ¶0027; ¶0120)

processing means adapted to generate the updated data version from the stored data and from the received differential update instructions, (Abs, ¶0027) wherein the processing means is further adapted to:

generate information from the stored data indicative of the presence or absence of one or more corrupted memory blocks having stored therein data that is inconsistent with the first data version; (¶0024)

and communicate the generated information via the communications means to the data processing system for generating the differential update instructions. (¶0024)

Regarding claim 38, Ferrat discloses a data processing system for facilitating differentially updating stored data in a mobile terminal from a first data version to an updated data version, (Abs, ¶0027) the data processing system comprising:

means for loading differential update instructions into the mobile terminal, the differential update instructions causing the mobile terminal to generate the updated data version from the stored data and the loaded differential update instructions; (¶0013; ¶0027; ¶0032)

the data processing system further comprising:

means for receiving information from the mobile terminal indicative of the presence or absence of one or more corrupted memory blocks having stored wherein data that is inconsistent with the first data version; (¶0024 while Ferrat does not disclose a

“corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

and processing means adapted to generate the differential update instructions from the first and updated data versions and from the received information; (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

and include repair instructions into the differential update instructions, wherein the repair instructions are adapted to cause the mobile terminal to repair any such detected corrupted memory block. (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

Regarding claim 39 Ferrat discloses a computer program comprising program code means adapted to cause a mobile terminal to differentially update stored data in the mobile terminal from a first data version to an updated data version (Abs) by performing the following steps, when the program is executed on the mobile terminal:

generating information from the stored data indicative of the presence or absence of

one or more corrupted memory blocks having stored therein data that is inconsistent with a first data version; (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

loading differential update instructions into the mobile terminal; (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

and generating the updated data version by the mobile terminal from the stored data and the loaded differential update instructions, including repairing any such detected corrupted memory block. (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

Regarding claim 40 Ferrat discloses a computer program comprising program code means adapted to cause a data processing system to facilitate differentially updating stored data in a mobile terminal from a first data version to an updated data version (Abs) by performing the following steps, when the program is executed on the data processing system:

generating differential update instructions from the first and updated data versions and from information received from the mobile terminal, wherein the received information is indicative of the presence or absence of one or more corrupted memory blocks having stored therein data that is inconsistent with the first data version, wherein generating differential update instructions comprises including repair instructions into the differential update instructions, wherein the repair instructions are adapted to cause the mobile terminal to repair any such detected corrupted memory block; (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

and loading the generated differential update instructions into the mobile terminal, the differential update instructions causing the mobile terminal to generate the updated data version from the stored data and the loaded differential update instructions. (¶0024 while Ferrat does not disclose a “corrupted memory block” it is clear from the disclosure of Ferrat that a "corrupted memory block" would fall under an "error [or] conflict between synchronized data" and thus would be detected and resolved with "some level of business logic” as disclosed by Ferrat)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 27 – 28 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrat.

Regarding claim 28, while Ferrat does not disclose a wireless communications link, Ferrat does disclose communication via an internet protocol (¶0120) and because wireless routers using TCP/IP are very well known and common to those of ordinary skill in the art at the time of the invention it would have been obvious to one of ordinary skill in the art to connect over a wireless router.

Regarding claim 29, claim 29 is rejected for substantially the same reason as claim 28 above.

Regarding claim 41, claim 41 is rejected for substantially the same reason as claim 29 above.

6. Claims 32 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrat in further view of Kocher et al (US 6,289,455) hereafter Kocher.

Regarding claim 32, Ferrat does not necessarily disclose calculating and using checksums to verify memory integrity, however Kocher discloses using such checksums. (Col 27, line 57 – Col 28, line 4) Because checksums used to calculate memory errors are well known to those of ordinary skill in the art at the time of the invention and Ferrat “provides the necessary interfaces for resolving errors and conflicts between synchronized data.” It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ferrat with the teachings of Kocher in order to provide memory error checking through checksums.

Regarding claim 33, claim 33 is rejected for substantially the same reason as claim 32 above. Note that Kocher discloses "includ[ing checksums] in stored data" (Col 28, lines 2-4)

Regarding claim 34, Ferrat does not disclose using a message authentication code to check reference checksums. As demonstrated by Kocher (Col 5, lines 4-12) and as is well known in the art at the time of the invention, changes to data can be accompanied by a message authentication code in order to assure the software data was not tampered with and it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ferrat with the teachings of Kocher in order to include a message authentication code for the checksums to further assure that a data failure did not occur and that the information was not tampered with.

Regarding claim 35, claim 35 is rejected for substantially the same reason as claim 32 above. Note that comparing a transmitted data segment to a centralized data segment is the most common and easiest to implement form of write operation verification and therefor is held to be either inherent or obvious to one of ordinary skill in the art at the time of the invention over Kocher (Col 27, line 57 – Col 28, line 4)

Regarding claim 36, Ferrat does not disclose using one-way hash functions on the memory block, However Kocher discloses using one-way hash operations for data protection and verification (Col 26, line 54 – Col 27, line 5) it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ferrat with the teachings of Kocher in order to provide further system security.

Response to Arguments

In response to applicant's argument that Ferrat fails to disclose the following limitations:

> detecting whether the stored data in the mobile terminal includes one or more corrupted memory blocks having stored therein data that is inconsistent with the first data version; and
>
> repairing, when generating the updated data version, any such detected corrupted memory block.

And limitations similar to the above disclosed limitations within claims 37, 38, 39 and 40,the argument is considered but not deemed to be persuasive.

A memory block is deemed to be “corrupt” when data within that block becomes inconsistent, for one reason or another, with the data that “should” be resident in that particular location.

While Ferrat does not use the specific terminology “corrupt memory block” it is easy to see within the cited implementation of Ferrat that it is specifically catered to handle errors dealing with data inconsistency such as that of a “corrupt memory block.” The portion of Ferrat cited by the examiner reads as follows:

> [0024] UniSync provides the necessary interfaces for resolving **errors and conflicts** between synchronized data. In many synchronization environments, discrepancies may arise when systems synchronize data after having disconnected for some period of time. Typically, **the system can synchronize most changes without issue**. However, in some situations, the application will need to apply some level of business logic to synchronize the data successfully. UniSync provides the ability to **identify and flag this discrepancy**, with the outcome determined by the application’s customizable business logic or by human intervention. (emphasis added)

Not only does the above paragraph show the ability of Ferrat to handle errors which deal with inconsistent data - such as a corrupt memory block, but it shows generation of the update as the "synchronization" process within Ferrat is specifically disclosed as being catered to communicating data necessary to update inconsistent data to the correct state. The examiner has fully fulfilled the requirements set forth within MPEP 2131 and therefore maintains his previous rejection.

With regard to the remaining arguments pertaining to the U.S.C. 102(e) rejection made in the previous office action, they are considered but not deemed to be persuasive. If the applicant wishes to limit the scope of the invention to exclude "synchronization between two versions of a data file" such language should be seen within the presented claim language. The same is true regarding updates being “in-place” on “flash memory” and “delta based update package”

With regard to applicants arguments that dependent claims rejected under U.S.C. 103(a) should be allowed for at least the reasons presented above with the independent claims, the argument is considered but not deemed to be persuasive for at least the above disclosed reason.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE A. WITZENBURG whose telephone number is (571)270-1908. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. W./

Examiner, Art Unit 2166

/Etienne P LeRoux/

Primary Examiner, Art Unit 2161